

**ORIGINAL**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )

An Allocation of Spectrum for the )  
Private Mobile Radio Services )

RM- 9267

TO: The Chief, Office of Engineering and Technology

**RECEIVED**

JUL 16 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Reply Comments of  
Council of Independent Communication Suppliers**

The Council of Independent Communications Suppliers, pursuant to section 1.405 of the Commission's rules<sup>1</sup> and the *Order* released June 11, 1998,<sup>2</sup> and in response to the comments filed in response to the *Public Notice* released April 30, 1998,<sup>3</sup> hereby respectfully submits these reply comments to the above captioned petition for rule making.<sup>4</sup>

**I. Statement of Interest**

1. The Council of Independent Communications Suppliers ("CICS") is an unincorporated association of entities engaged in serving the needs of private radio eligibles, particularly those located in small and rural communities throughout the United States. CICS' membership is open to SMR operators, radio dealers, equipment suppliers, communications engineers and consultants. CICS was formed to provide these entities a voice in the policy-making process governing use of the

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<sup>1</sup> See 47 C.F.R. § 1.405.

<sup>2</sup> *Order Granting Motion to Extend Reply Comment Date*, DA 98-1103, released June 11, 1998.

<sup>3</sup> *Public Notice*, Office of Public Affairs Reference Operations Division Petitions for Rulemaking Filed, Report No. 2272, released April 30, 1998.

<sup>4</sup> *Petition for Rule Making Submitted by the Land Mobile Communications Council*, In the Matter of An Allocation of Spectrum for the Private Mobile Radio Services, RM-9267, filed April 22, 1998 ("*Petition*").

electromagnetic spectrum, especially spectrum allocated to the Private Land Mobile Radio Services. Accordingly, CICS is pleased to have this opportunity to express its support for the Land Mobile Communications Council ("LMCC") petition for an allocation of spectrum for the private land mobile services. CICS is an independent market council of the Industrial Telecommunications Association ("ITA").

## **II. Opposition of the amateur radio community**

2. The case for the need for new spectrum for the private wireless industry is well supported in the LMCC petition, notwithstanding the opposition of the amateur radio community to the selection of the 420-450 MHz band. The community of amateur radio enthusiasts has -- understandably -- expressed its opposition to any reallocation of spectrum that would adversely impact their enjoyment of the radio spectrum.<sup>5</sup> However, it should be recognized that the fierce competition among various user groups for limited bands of spectrum provides support for the underlying theme of the petition. Specifically, that there is a drastic shortage of spectrum available for any use other than subscriber-based commercial services.

3. The LMCC petition details this need for additional spectrum in a number of important ways. First, the petition includes a detailed analysis of the spectrum requirements of the private wireless community over the next 13 years.<sup>6</sup> This analysis was based on the technology factors used in the PSWAC report and modified for non-public safety conditions. Because the Commission has accepted this analysis for the purpose of granting additional allocations to the public safety

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<sup>5</sup> CICS notes that a very large number of comments were filed in this proceeding by amateur radio enthusiasts. Because these comments are all substantively similar to each other, CICS will not reference them individually here.

<sup>6</sup> Petition at Appendix E.

community, it should be able to quickly assess the need for additional allocations for the private wireless community.

4. Second, the petition includes a review of the availability of frequencies in existing private allocations.<sup>7</sup> This review revealed that in the 470-512, 800, and 900 MHz bands there are no frequencies available in the top urban markets nationwide. From CICS' perspective, there can be no clearer evidence of the need for additional spectrum.

5. Third, the petition highlights the need for additional spectrum for advanced technologies and applications.<sup>8</sup> As dealers of private wireless equipment and infrastructure, CICS members are constantly working to find innovative technological solutions to their customer's communications needs. And new technologies, such as high-speed data transmission, slow scan video, and Global Positioning Satellite integration, promise huge efficiency and safety benefits across the economy. However, without adequate spectrum for system deployment, these benefits will go unrealized.

### **III. "Refarming" will provide limited spectrum relief.**

6. While the comments of the individual members of the amateur radio community focus on the possibility of a reallocation of the 420-450 MHz band, the comments of the American Radio Relay League, Inc. ("ARRL") question the need for additional spectrum for private wireless applications.<sup>9</sup>

7. In its comments, ARRL reasons that because the Commission has instituted the

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<sup>7</sup> *Id* at Appendix B.

<sup>8</sup> *Id* at 16-18; Appendix D.

<sup>9</sup> Comments of the American Radio Relay League, Incorporated in Response to Petition for Rule Making, filed June 1, 1998 (ARRL Comments).

“refarming” proceeding<sup>10</sup> -- which promises increased spectrum efficiency in certain bands below 800 MHz -- it is impossible to exactly quantify the spectrum needs of the private wireless community. Based on this observation, ARRL makes the leap of logic that no additional spectrum is required for private wireless services.<sup>11</sup> CICS disagrees.

8. It is not in dispute that the “refarming” proceeding offers opportunities for the deployment of new spectrally-efficient systems in some of the most heavily congested private wireless spectrum bands. What is in question, however, is how long it will take for this relief to be realized and to what extent this relief will satisfy the desperate need for additional spectrum.

9. As dealers of narrowband equipment, and in some cases as managers of shared private carrier systems, CICS members have been struggling to realize the promise of “refarming.” Because of the need to protect incumbent systems, interference issues have effectively precluded the deployment of narrowband systems in the most heavily congested areas of the country. As a result, major gains in spectrum efficiency will not be realized until a nationwide shift to narrowband equipment takes place. The LMCC petition predicts -- and CICS affirms -- that such a transition is unlikely to occur before 2005.<sup>12</sup> In the meantime, the drastic spectrum crisis that prompted the “refarming” proceeding continues unabated.

10. Additionally, the “refarming” proceeding only addresses private wireless allocations below 800 MHz. As stated above -- and highlighted in the LMCC petition -- 800 and 900 MHz allocations are vital to the private wireless community. However, these vital bands are fully occupied

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<sup>10</sup> PR Docket 92-235.

<sup>11</sup> ARRL comments at 9.

<sup>12</sup> Petition at Appendix C.

and no longer available in most regions of the country. Nothing in the “refarming” proceeding will provide relief for the spectrum shortage in these bands. ARRL’s comments notwithstanding, the LMCC petition has adequately demonstrated the critical need for additional spectrum allocations for private wireless systems, and should be acted on by the Commission expeditiously.

#### **IV. Private Wireless Systems play a critical role in American commerce.**

11. Private land mobile radio systems serve a great variety of industrial, business, government, and other needs that common carriers and other commercial radio service providers cannot fulfill. Private radio systems contribute significantly to the safe and efficient operation of farms; railroads; utilities; petroleum exploration, production and refining operations; the trucking and land transportation industry; the timber industry; and many other industrial activities. In short, nearly every segment of the American economy benefits from the safety and efficiency that private wireless systems provide.

12. However, as the LMCC petition demonstrates, recent spectrum management policies have contributed to an extreme shortage of spectrum for the private wireless services. As a result, businesses are unable to expand and compete effectively; new efficiency enhancing systems cannot be deployed; and workers are placed at risk unnecessarily.

#### **V. Conclusion**

13. CICS believes that the LMCC petition presents the Commission with a perfect opportunity to address current problems and future needs facing the private wireless industry. Private wireless systems provide benefits across the American economy in a way that is incalculable. From the protection of life, health, and property, to the efficient production of goods and services, private

wireless systems play a critical role. Accordingly, CICS urges the Commission to commence a rule making proceeding for the allocation of new spectrum for these vital private wireless systems.

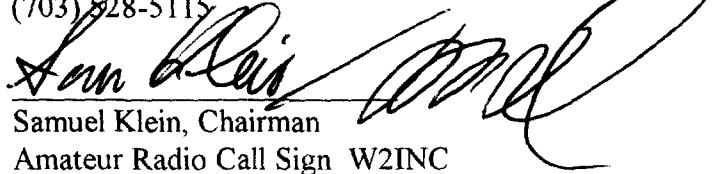
Respectfully Submitted,

**Council of Independent Communication Suppliers**

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Samuel Klein, Chairman

Amateur Radio Call Sign W2INC

Date: July 16, 1998

## **CERTIFICATE OF SERVICE**

I, Barbara J. Levermann, do hereby certify that on the 16th day of July 1998, I forwarded to the parties listed below a copy of the foregoing Reply Comments of the Council of Independent Communication Suppliers, by first-class mail, postage pre-paid:

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